IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE BILAL NAZKI**

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**WRIT PETITION NO: 17186 of 1995**

Between:

1 Siripurapu Satyanarayana, S/o. Somulu,
R/o. Bangarampeta village, Polavaram Mandal,
West Godavari District.
2 Siripurapu Rama Rao, S/o. Somulu,
R/o. Bangarampeta village, Polavaram Mandal,
West Godavari District.

**..... PETITIONERS**

AND

1 The District Collector (T.W.) & Agent to the Government,
Eluru, West Godavari District.
2 The Special Deputy Collector (TW)
Kota Ramachandrapuram, West Godavari District.
3 Mandal Revenue Officer,
Polavaram, Polavaram Mandal,
West Godavari District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of mandamus declaring the action of the Respondents in dispossessing the petitioners from the lands admeasuring Ac.5-30 cents comprised in R.S.No.999, situate at Itikalakota village, Polavaram Mandal, West Godavari District pursuant to the Circular R.C.No.136/95 dt.18-4-1995 issued by the 3rd Respondent as illegal, arbitrary, without jurisdiction, null and void.

**Counsel for the Petitioner: MR.A.PRABHAKAR RAO**

**Counsel for the Respondents: GP FOR SOCIAL WELFARE**

**The Court made the following:**

**ORDER:**

The writ petition has been filed seeking a direction to the respondents not to dispossess the petitioners from the land in R.S.No.999 to an extent of Ac.5-30 cents at Itikalakota village, Polavaram Mandal, West Godavari District, pursuant to Circular dated 18-4-1995.

Petitioners claim that the said land belongs to them whereas the respondents, in the counter, have stated that it does not belong to them. After conducting an enquiry, it was found that the writ petitioners were not the owners of the disputed land and they have not produced any documents to substantiate their claim. For part of the land, they have substantiated their claim by producing some sale deed, which was mutated in their name. The part of the land, for which petitioners could not substantiate the claim was sought to be taken possession of. Rejection order had been passed on 29-6-1977. Even the matter had been taken by the petitioners before the Special Deputy Collector, where also they lost. However, the ejectment orders passed by the Special Deputy Collector were carried in appeal before the Agent to Government. Agent to Government also dismissed the appeal. However, the ejectment was not affected and was kept in abeyance because of G.O.Ms.No.129 (Social Welfare) Department, dated 13-8-1979. Government by this G.O., ordered that non-tribal landless poor in occupation of land in the scheduled areas up to Ac. 5-00 of wet land and Ac.10-00 of dry land should not be evicted in accordance with the provisions of APSALT Regulation 1 of 1959. However, the High Court of A.P., quashed the said G.O., on 5-12-1984. This decision was confirmed by the Division Bench of this Court on 20-6-1988. Therefore, the order of abeyance came to an end and the orders passed earlier, in the enquiry and appeal, against the petitioners became operative.

The learned Government Pleader submits that those orders have become final and those orders have not even been challenged in the present writ petition. Therefore, after quashing of G.O.Ms.No.129 by the High Court, the petitioners have no right to claim the disputed land. I agree with the contention of the learned Government Pleader that the order of eviction passed against the petitioners as early as in the year 1977 has become final and has not been challenged.

The writ petition is accordingly dismissed as devoid of any merit. However,

petitioners are at liberty to challenge the orders, which have been passed against them, in appropriate forum by way of any remedy available to them in law.

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**25th November, 2004**

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TO

1 The District Collector (T.W.) & Agent to the Government,
Eluru, West Godavari District.
2 The Special Deputy Collector (TW)
Kota Ramachandrapuram, West Godavari District.
3 Mandal Revenue Officer,
Polavaram, Polavaram Mandal,
West Godavari District.

4 Two C.Cs. to G.P. Social Welfare, High Court Buildings,

High Court of A.P., Hyderabad, (OUT)

5 Two C.D. Copies.